

Chairman Darrell Sanderson called the meeting to order.
Recording Secretary Dianna Rogers called the roll.

Members Present:	Sherron Jackson	
	David Garnett	
	Charles Booe	
	Annie Metcalf	
	Joel Schrader	
	Bob Mason	
	Dwayne Cook	
	Patti Cross	
	Darrell Sanderson	(9)
Members Absent:	Keith Lee	
	Charles Stewart	(2)

There being a quorum, the meeting proceeded.

A motion was made by Mr. Schrader to approve the minutes of August 10, 2006. The motion was seconded by Mr. Mason and carried unanimously with Mr. Jackson abstaining.

A motion was made by Sherron Jackson to recognize former Commission Member Joe Sanderson for his 16 years of service to the community. The motion was seconded by Mr. Garnett and carried unanimously.

A motion was made by Mr. Jackson to pay the following bills:

Edwin Logan – PC/BZA Attorney Fee (September)	\$ 900.00
Dianna Rogers – PC Secretarial (August 10)	300.00

The motion was seconded by Mr. Garnett and carried unanimously.

There were no Reports of Officers, Standing Committees, Special Select Committees or Special Orders. Under Staff items, Gary Muller, City Planning Director, stated the City and County has new flood maps. He added there is a ninety (90) day appeal time frame. He stated the maps are at the library and the City Planning Office.

The first item of business was a request from New Horizons Child Development Center for a waiver to Section 19.064 Play Area, to allow a reduction in the square footage of the play area for a day care located at 316 Ann Street.

The applicant, April Trent, Director of the facility, was present. She stated they wanted a waiver in the age group of six weeks to twelve (12) months due to the development needs of the children. She stated they were asking for a 1000 square

foot reduction. Mr. Garnett asked what happens when the children get older. Ms. Trent stated they have the required square footage for those older than twelve (12) months. Mr. Garnett suggested that the City change the requirement for under twelve (12) months. Mr. Garnett asked what criteria the applicant was using to request a waiver. Ms. Trent stated she was using criteria five (5) in the staff report of no relationship to the development or its impacts. She stated you run into a safety aspect with the children because they can't walk to the play area. She stated they transition up. Ms. Trent stated they have fifty-four (54) children and there are always ten (10) in the youngest group.

Mr. Robert Hewitt, City Planning Supervisor, was present and stated the applicant still has to go to the ARB for increased enrollment approval. He stated the criteria the applicant is using for a waiver is consistent. He added the waiver is 950 square feet. Mr. Garnett asked who inspected the ages of the kids. Mr. Hewitt stated he could and the State does yearly. Mr. Garnett suggested amending the language of the ordinance to include exempting this age group.

There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Annie Metcalf to approve the request for modification with the staff condition that the 950 square foot reduction in the play area is only applicable to the increased enrollment of 10 participants ages 6 weeks to 12 months. The motion was seconded by Mr. Jackson and carried unanimously.

Mr. Jackson requested staff look at the notes to see if necessary language was left out regarding this matter or if there is a need for the committee to bring forward a new regulation.

The final item of business was a Public Hearing request from J. T. Lunsford Company, LLC, for approval of a Zone Map Amendment from Residential "B" District (RB) to Professional Office (PO) for an approximate. 1.59 acre vacant parcel of property located at 113 Old Soldiers Lane, with the PVA map #049-40-06-028.00.

The Secretary stated this was a called public hearing under the authority of KRS 100.213, paragraph 1, to consider a zone map amendment as requested by J. T. Lunsford Company, LLC.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this matter.

Mr. Jonathon Otis, PE., representing the applicant, was present and stated the request meets KRS 213 and meets many of the Comprehensive Plan objectives. He added there have been many changes in the area and that US 127 is ideal for PO uses.

He stated the property is bounded by SG on two sides and the residential use has been compromised. He added Beverly Health has previously received approval for expansion. Mr. Otis stated if left as RB several houses could be put in and no buffer was required. He stated PO requires a buffer. Mr. Garnett asked if there would be traffic impact. Mr. Otis stated he could not say that it wouldn't have any impact but he felt traffic would be addressed at development activity.

Ms. Goldie Cook, adjacent property owner, stated she wanted a fence between her property and the applicants. She stated she wanted a picket fence or chain link fence.

Mr. Gary Muller, City Planning Director, was qualified by Mr. Edwin Logan. Mr. Muller stated he had a VITA on file. He added he had a power of attorney on file for Mr. Otis. Mr. Logan requested the staff report be entered into the record in lieu of additional testimony. Mr. Muller stated a 20' landscape buffer was required. Mr. Muller stated this buffer would serve Ms. Cook's purpose. He added they are also requesting a fence be required. Mr. Otis stated their options would be decided during development phase and they would try to come to an agreement to suite Ms. Cook.

A motion was made by Mr. Jackson to close the public hearing and accept the staff report as the summary. The motion was seconded by Mr. Garnett and carried unanimously.

A motion was made by Mr. Garnett to adopt findings 1 through five of the staff report. (1 – Old Soldiers Lane serves as a collector street; 2 – The PO zoning district is the most restrictive zoning district to serve the needs of the applicant; 3 – The proposed amendment is consistent with the adopted Comprehensive Plan; 4 – The existing use provides a transitional buffer from the lower density residential lots from the higher intensity commercial, mid-rise office building, and airport/military use as encouraged by the existing Suburban Residential Neighborhood land use category from the Land Use Plan Map; 5 – The existing "RB" zoning classification is an inappropriate designation for this property and the proposed "PO" district is appropriate.) The motion was seconded by Sherron Jackson and carried unanimously.

A motion was made by Mr. Garnett that based on the findings of fact and the request is in compliance with the comprehensive plan that the request be forwarded to the City Commission with a vote of approval. The motion was seconded by Mr. Mason and carried unanimously.

Mr. Jackson stated the Comprehensive Plan Update Committee was looking at a date of 9/27 or 9/28 for a meeting.

A motion was made by Mr. Mason to adjourn. The motion was seconded by Mr. Jackson and carried unanimously.

_____Chairman Darrell Sanderson

_____Recording Secretary Dianna Rogers